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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: AFF-Affirmative

FR CITE: FR CITE DATE:

REFERENCE 4034303, 4220303, 4283302
MESSAGE #
(s):

CASE #(s): A-570-010

EFFECTIVE DATE: 10/08/2014 COURT CASE #:

PERIOD OF REVIEW: 04/01/2013 TO 09/30/2013

PERIOD COVERED: TO

Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Notice of change in cash deposit rates, preliminary determination in the antidumping duty investigation of certain crystalline silicon photovoltaic products from the PRC (A-570-010)

1. On 07/31/2014, Commerce published in the Federal Register (79 FR 44399) its preliminary determination of sales at less than fair value and the postponement of the final determination in the antidumping duty investigation of certain crystalline silicon photovoltaic products from the People's Republic of China ("PRC").
2. On 8/8/2014, Commerce issued suspension of liquidation instructions with regard to imports subject to this case. See message 4220303. In that message, Commerce provided cash deposit rates that reflected a deduction (where appropriate) for the amount of export subsidy and/or domestic passed-through subsidy rates found in the companion countervailing duty (CVD) investigation on this merchandise.
3. Provisional measures in the companion CVD investigation expired on 10/07/2014. See message 4283302. Accordingly, effective 10/08/2014, CBP shall require, for entries of certain crystalline silicon photovoltaic products from the PRC from the exporter/producer combinations listed below, a cash deposit equal to the antidumping duty margins shown below:

Exporter: PRC-Wide Entity

Case number: A-570-010-000

Cash deposit rate: 165.04%

Exporter: Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd.

Producer: Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd.

Case number: A-570-010-001

Cash deposit rate: 26.33%

Exporter: Renesola Jiangsu Ltd./Renesola Zhejiang Ltd./Jinko Solar Co. Ltd./Jinko Solar Import and Export Co., Ltd.

Producer: Renesola Jiangsu Ltd./Jinko Solar Co. Ltd.

Case number: A-570-010-002

Cash deposit rate: 58.87%

Exporter: Anji DaSol Solar Energy Science & Technology Co., Ltd.

Producer: Anji DaSol Solar Energy Science & Technology Co., Ltd.

Case number: A-570-010-003

Cash deposit rate: 42.33%

Exporter: Asun Energy Co., Ltd. (a/k/a Suzhou Asun Energy Co., Ltd.)

Producer: Asun Energy Co., Ltd. (a/k/a Suzhou Asun Energy Co., Ltd.)

Case number: A-570-010-004

Cash deposit rate: 42.33%

Exporter: Baoding Tianwei Yingli New Energy Resources Co., Ltd

Producer: Baoding Tianwei Yingli New Energy Resources Co., Ltd., Yingli Energy (China) Co., Ltd. and Lixian Yingli New Energy Co., Ltd

Case number: A-570-010-005

Cash deposit rate: 42.33%

Exporter: BYD (Shangluo) Industrial Co., Ltd.

Producer: BYD (Shangluo) Industrial Co., Ltd.

Case number: A-570-010-006

Cash deposit rate: 42.33%

Exporter: Canadian Solar International Limited

Producer: Canadian Solar Manufacturing (Luoyang) Inc., Canadian Solar Manufacturing (Changshu), Inc.

Case number: A-570-010-007

Cash deposit rate: 42.33%

Exporter: Canadian Solar Manufacturing (Changshu), Inc.

Producer: Canadian Solar Manufacturing (Changshu), Inc.

Case number: A-570-010-008

Cash deposit rate: 42.33%

Exporter: Canadian Solar Manufacturing (Luoyang) Inc.

Producer: Canadian Solar Manufacturing (Luoyang) Inc.

Case number: A-570-010-009

Cash deposit rate: 42.33%

Exporter: CEEG Nanjing Renewable Energy Co., Ltd.

Producer: CEEG Nanjing Renewable Energy Co., Ltd.

Case number: A-570-010-010

Cash deposit rate: 42.33%

Exporter: Changzhou Almaden Co., Ltd.

Producer: Changzhou Almaden Co., Ltd.

Case number: A-570-010-011

Cash deposit rate: 42.33%

Exporter: Chint Solar (Zhejiang) Co., Ltd.

Producer: Chint Solar (Zhejiang) Co., Ltd.

Case number: A-570-010-012

Cash deposit rate: 42.33%

Exporter: ET Solar Industry Limited

Producer: ET Solar Industry Limited

Case number: A-570-010-013

Cash deposit rate: 42.33%

Exporter: Hainan Yingli New Energy Resources Co. Ltd

Producer: Hainan Yingli New Energy Resources Co. Ltd

Case number: A-570-010-014

Cash deposit rate: 42.33%

Exporter: Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.

Producer: Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.

Case number: A-570-010-015

Cash deposit rate: 42.33%

Exporter: Hanwha SolarOne (Qidong) Co., Ltd.

Producer: Hanwha SolarOne (Qidong) Co., Ltd.

Case number: A-570-010-016

Cash deposit rate: 42.33%

Exporter: Hanwha SolarOne Hong Kong Limited
Producer: Hanwha SolarOne (Qidong) Co., Ltd.
Case number: A-570-010-017
Cash deposit rate: 42.33%

Exporter: Hefei JA Solar Technology Co., Ltd.
Producer: Hefei JA Solar Technology Co., Ltd.
Case number: A-570-010-018
Cash deposit rate: 42.33%

Exporter: Hengdian Group DMEGC Magnetics Co., Ltd
Producer: Hengdian Group DMEGC Magnetics Co., Ltd
Case number: A-570-010-019
Cash deposit rate: 42.33%

Exporter: Hengshui Yingli New Energy Resources Company Limited
Producer: Hengshui Yingli New Energy Resources Company Limited
Case number: A-570-010-020
Cash deposit rate: 42.33%

Exporter: Jiangyin Hareon Power Co., Ltd.
Producer: Jiangyin Xinhui Solar Co., Ltd.; Altusvia Energy Taicang Co., Ltd.; Hareon Solar Technology Co., Ltd.
Case number: A-570-010-021
Cash deposit rate: 42.33%

Exporter: Jiawei Solarchina Co., Ltd.
Producer: Jiawei Solarchina (Shenzhen) Co., Ltd.
Case number: A-570-010-022
Cash deposit rate: 42.33%

Exporter: Jiawei Technology (HK) Ltd.
Producer: Shenzhen Jiawei Photovoltaic Lighting Co. Ltd.
Case number: A-570-010-023
Cash deposit rate: 42.33%

Exporter: LDK Solar Hi-Tech (Nanchang) Co., Ltd.
Producer: LDK Solar Hi-Tech (Nanchang) Co., Ltd.

Case number: A-570-010-024

Cash deposit rate: 42.33%

Exporter: Lixian Yingli New Energy Company Ltd.

Producer: Lixian Yingli New Energy Company Ltd.

Case number: A-570-010-025

Cash deposit rate: 42.33%

Exporter: MOTECH (Suzhou) Renewable Energy Co., Ltd

Producer: MOTECH (Suzhou) Renewable Energy Co., Ltd

Case number: A-570-010-026

Cash deposit rate: 42.33%

Exporter: Ningbo Qixin Solar Electrical Appliance Co., Ltd.

Producer: Ningbo Qixin Solar Electrical Appliance Co., Ltd.

Case number: A-570-010-027

Cash deposit rate: 42.33%

Exporter: Perlight Solar Co., Ltd.

Producer: Perlight Solar Co., Ltd.

Case number: A-570-010-028

Cash deposit rate: 42.33%

Exporter: Risen Energy Co., Ltd.

Producer: Risen Energy Co., Ltd.

Case number: A-570-010-029

Cash deposit rate: 42.33%

Exporter: Shanghai JA Solar Technology Co., Ltd.

Producer: Shanghai JA Solar Technology Co., Ltd.

Case number: A-570-010-030

Cash deposit rate: 42.33%

Exporter: Shanghai Solar Energy Science & Technology Co., Ltd.

Producer: Lianyungang Shenzhou New Energy Co., Ltd.

Case number: A-570-010-031

Cash deposit rate: 42.33%

Exporter: Shenzhen Jiawei Photovoltaic Lighting Co. Ltd.
Producer: Shenzhen Jiawei Photovoltaic Lighting Co. Ltd.
Case number: A-570-010-032
Cash deposit rate: 42.33%

Exporter: Shenzhen Sungold Solar Co., Ltd.
Producer: Shenzhen Sungold Solar Co., Ltd.
Case number: A-570-010-033
Cash deposit rate: 42.33%

Exporter: Shenzhen Topray Solar Co., Ltd.
Producer: Shenzhen Topray Solar Co., Ltd.
Case number: A-570-010-034
Cash deposit rate: 42.33%

Exporter: Sun Earth Solar Power Co., Ltd.
Producer: Sun Earth Solar Power Co., Ltd.
Case number: A-570-010-035
Cash deposit rate: 42.33%

Exporter: Sunny Apex Development Ltd.
Producer: Shenzhen Jiawei Photovoltaic Lighting Co. Ltd., Wuhan FYY Technology Co., Ltd.
Case number: A-570-010-036
Cash deposit rate: 42.33%

Exporter: SunPower Systems SARL
Producer: SunEnergy (S.Z.) Co., Ltd.
Case number: A-570-010-037
Cash deposit rate: 42.33%

Exporter: Upsolar Global Co., Ltd. and including Upsolar Group, Co., Ltd.
Producer: Shandong Dahai Group Co. Ltd.
Case number: A-570-010-038
Cash deposit rate: 42.33%

Exporter: Wanxiang Import & Export Co., Ltd.
Producer: Zhejiang Wanxiang Solar Co., Ltd.
Case number: A-570-010-039

Cash deposit rate: 42.33%

Exporter: Wuhan FYY Technology Co., Ltd.

Producer: Wuhan FYY Technology Co., Ltd.

Case number: A-570-010-040

Cash deposit rate: 42.33%

Exporter: Wuxi Suntech Power Co., Ltd

Producer: Wuxi Suntech Power Co., Ltd

Case number: A-570-010-041

Cash deposit rate: 42.33%

Exporter: Yingli Energy (China) Company Limited

Producer: Yingli Energy (China) Company Limited, Baoding Tianwei Yingli New Energy Resources Co., Ltd. and Lixian Yingli New Energy Co. , Ltd

Case number: A-570-010-042

Cash deposit rate: 42.33%

Exporter: Yingli Green Energy International Trading Limited

Producer: Yingli Energy (China) Company Limited, Baoding Tianwei Yingli New Energy Resources Co., Ltd., and Hainan Yingli New Energy Resources Co., Ltd.

Case number: A-570-010-043

Cash deposit rate: 42.33%

Exporter: Zhongli Talesun Solar Co., Ltd.

Producer: Zhongli Talesun Solar Co., Ltd.

Case number: A-570-010-044

Cash deposit rate: 42.33%

4. For all other entries of certain crystalline silicon photovoltaic products from the PRC, the following cash deposit instructions apply:

A. For all PRC exporters of certain crystalline silicon photovoltaic products from the PRC which have not received their own rate, the cash deposit rate will be the PRC-wide rate.

B. For all non-PRC exporters of certain crystalline silicon photovoltaic products from the PRC which have not received their own rate, the cash deposit rate will be the rate applicable to the exporter/producer combinations that supplied that non-PRC exporter.

5. Certification Requirements: As described in message 4034303, subject merchandise includes modules, laminates and/or panels assembled in the subject country consisting of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than that subject country, using ingots that are manufactured in the subject country, wafers that are manufactured in the subject country, or cells where the manufacturing process begins in the subject country and is completed in a non-subject country.

A. In order for no cash deposit under this investigation to be required for solar panels/modules assembled in the PRC which do not consist of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than the PRC, using ingots that are manufactured in the PRC, wafers that are manufactured in the PRC, or cells where the manufacturing process begins in the PRC and is completed outside of the PRC, the following certification and documentation requirements must be met:

B. Importers of merchandise described in paragraph 5.A. must maintain the Importer Certification below as well as documentation supporting the certification. If the exporter of the merchandise described in paragraph 5.A is located in the PRC, the importer must also maintain the Exporter Certification in paragraph 5.C below as well as documentation supporting the certification.

Importer Certification

I hereby certify that I am an official of (insert name of company importing solar panels/modules), that I have knowledge of the facts regarding the importation of the solar panels/modules or other products containing solar panels/modules that entered under entry number(s) (insert entry number(s) covered by the certification), and that these solar panels/modules assembled in the People's Republic of China (PRC) do not consist of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than the PRC, using ingots that are manufactured in the PRC, wafers that are manufactured in the PRC, or cells where the manufacturing process begins in the PRC and is completed outside of the PRC.

By signing this certificate, I also hereby certify that (insert name of company importing solar panels/modules) maintains sufficient documentation supporting this certification for all solar panels/modules imported under the above-referenced entry number(s). I understand that agents of the importer, such as brokers, are not permitted to make this certification. Also, I am aware that records pertaining to this certification may be requested by CBP. I understand that this certification should be completed at the time of the entry. I also understand that failure to maintain the required certification or failure to substantiate the claim above will result in suspension of all

unliquidated entries for which these requirements were not met and the requirement that the importer post an AD cash deposit on those entries equal to the PRC-wide rate in effect at the time of the entry and a CVD cash deposit equal to the all-others rate in effect at the time of the entry.

Name of Company Official

Title

Date

C. If an exporter, which is located in the PRC, exports merchandise described in paragraph 5.A., the exporter must maintain the following exporter certification as well as documentation supporting the certification:

Exporter Certification

I hereby certify that I am an official of (insert name of company exporting solar panels/modules), that I have knowledge of the facts regarding the exportation of the solar panels/modules or other products containing solar panels/modules identified below, and that these solar panels/modules assembled in the People's Republic of China (PRC) do not consist of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than the PRC, using ingots that are manufactured in the PRC, wafers that are manufactured in the PRC, or cells where the manufacturing process begins in the PRC and is completed outside of the PRC.

By signing this certificate, I also hereby certify that (insert name of company exporting solar panels/modules) maintains sufficient documentation supporting this certification for all solar panels/modules identified below. I am aware that records pertaining to this certification may be subject to verification by Department of Commerce officials and I consent to verification with respect to this certification and these records. I understand that this certification should be completed at the time of shipment. I also understand that failure to maintain the required certification or failure to substantiate the claim above will result in suspension of all unliquidated entries for which these requirements were not met and the requirement that the importer post an AD cash deposit on those entries equal to the PRC-wide rate in effect at the time of the entry and a CVD cash deposit equal to the all-others rate in effect at the time of the entry.

The exports covered by this certification are (insert invoice numbers, purchase order numbers, export documentation, etc. to identify the exports covered by the certification).

Name of Company Official

Title

Date

6. The importer and PRC-exporter certifications and supporting documentation must be maintained by the parties described above but will only be provided to U.S. Customs and Border Protection (CBP) by the importer at the request of CBP. These documents should not be provided by the importer as part of the entry document package, unless specifically requested by CBP.

7. The importer certification must be completed, signed, and dated at the time of the entry of the panels/modules. The exporter certification must be completed, signed, and dated at the time of shipment of the relevant entries.

8. CBP may accept the above certifications (and if required by CBP, supporting documentation) to establish that the merchandise is not covered by the scope of this investigation. If the importer does not provide the aforementioned required certifications or documentation AT CBP'S REQUEST, CBP is instructed to suspend all unliquidated entries for which the certification or documentation requirements were not satisfied, and require the posting of an AD cash deposit on those entries equal to the PRC-wide rate in effect at the time of the entry.

9. If the imported solar panel/module assembled in the PRC consists of some crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than the PRC, using ingots that are manufactured in the PRC, wafers that are manufactured in the PRC, or cells where the manufacturing process begins in the PRC and is completed outside of the PRC, but the importer is unable or unwilling to identify the total value of the panel/module that is subject merchandise, CBP is instructed to require the posting of an AD cash deposit on the total entered value of the panel/module equal to the PRC-wide rate in effect at the time of the entry.

10. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O4: JP.)

11. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party